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**RECEIVED**

**MAY 31 1994**

FEDERAL COMMUNICATIONS COMMISSION  
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May 31, 1994

**BY HAND DELIVERY**

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

Re: **Ex Parte Presentation**  
**GEN Docket No. 90-314**  
**PP Docket No. 93-253**

Dear Mr. Caton:

This is to advise that today Joel Winnik and Julie Barton of Hogan & Hartson, representing the attached list of rural telephone companies, met with Don Gips, Deputy Director of the Office of Plans and Policy, and discussed the attached proposal for PCS eligibility.

Sincerely,

  
Joel S. Winnik

Attachments

DOCKET FILE COPY ORIGINAL

## **SMALL INDEPENDENT TELEPHONE COMPANIES OF MTA #09**

Atlantic TMC (NC)  
Bluffton Telephone Company (SC - located in MTA #01)  
Chesnee Telephone Company (SC)  
Chester Telephone Company (SC)  
Citizens Telephone Company (NC)  
Concord Telephone Company (NC)  
Ellerbe Telephone Company (NC)  
Farmers Telephone Cop. (SC)  
Fort Mill Telephone Company (SC)  
Hargray Telephone Company (SC - located in MTA #01)  
Hart Telephone Company (GA)  
Heath Springs Telephone Co. (SC)  
Home Telephone Company (SC)  
Horry Telephone Cooperative (SC)  
Lancaster Telephone Company (SC)  
Lexington Telephone Company (NC)  
Lockhart Telephone Company (SC)  
Mehtel Communications (NC)  
North State Telephone Company (NC)  
Palmetto Rural Telephone Coop. (SC)  
Piedmont Rural Telephone Coop. (SC)  
Piedmont TMC (NC)  
Pond Branch Telephone Company (SC)  
Randolph Telephone Company (NC)  
Randolph TMC (NC)  
Ridge Telephone Company (SC)  
Ridgeway Telephone Company (SC)  
Rock Hill Telephone Company (SC)  
Sandhill Telephone Cooperative (SC)  
Skyline TMC (NC)  
Star TMC (NC)  
Surry TMC (NC)  
Tri-County TMC (NC)  
West Carolina Rural Tel. Coop. (SC)  
Wilkes TMC (NC)  
Yadkin Valley TMC (NC)

## **§ 1.2110 Designated Entities**

**\* \* \***

**(3) Rural telephone companies.** A rural telephone company is an independently owned and operated local exchange carrier with 100,000 or fewer access lines.

**\* \* \***

## **§ 99.204 Cellular eligibility restrictions.**

- (a)** For the purpose of this rule, attributable ownership shall be an individually or jointly held equity interest of 20 percent or more (or, in the case of a Designated Entity, as defined in § 1.2110 of the Rules, 40 percent or more) in, or control of, a licensee of a cellular geographic service area (CGSA).
- (b)** Entities that have attributable ownership in one or more CGSAs that (individually or jointly) include ten or more percent of the population of the PCS service area as determined by the 1990 census, i.e., ten or more percent of the population of the BTA or MTA is within the CGSA, shall not be eligible for assignment of more than [15] MHz in that PCS service area.

**Note 1:** For the purpose of determining attributable ownership, interests of all parties in a particular CGSA are considered.

**Example No. 1:** Company A holds a 10 percent interest in Cellular Licensee 1. Company B holds an 11 percent interest in Cellular Licensee 1. Cellular Licensee 1 covers more than 10 percent of the population of the PCS service area. Neither Company A nor Company B is a Designated Entity. The attributable ownership in Cellular

**Licensee 1 is 21 percent. A PCS entity with interests held by Company A and Company B is ineligible for a PCS license because the attributable ownership is more than 20 percent.**

**Example No. 2: Same as Example No. 1 except that Company A and Company B are Designated Entities. The PCS entity is eligible for a PCS license because the attributable ownership is less than 40 percent.**

**Note 2: For the purpose of determining whether attributable ownership in CGSAs includes ten or more percent of the PCS service area, CGSAs in which there is attributable ownership are considered individually or jointly.**

**Example: Company A holds a 25 percent interest in Cellular Licensee 1. Company B holds a 15 percent interest in Cellular Licensee 1. Cellular Licensee 1 covers 7 percent of the PCS service area. Company C holds a 40 percent interest in Cellular Licensee 2. Cellular Licensee 2 covers 3 percent of the PCS service area. Companies A, B and C are each Designated Entities. A PCS entity with interests held by Companies A, B and C will be ineligible for the PCS license because there are attributable ownership interests in CGSAs which together include ten or more percent of the population of the PCS service area.**